
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

XAVIER JOSEPH DUPLECHAIN

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CASE NO. 1:04-CR-135

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violation of supervised release conditions to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, defendant, defense counsel and counsel for the government, each signed a standard form waiving their right to object to the proposed findings and recommendations contained in the magistrate judge's report, consenting to revocation of supervised release and imposition of the sentence recommended therein, and defendant waived his right to be present with counsel and to speak at sentencing.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and defendant's supervised release is **REVOKED**. Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 4th day of December, 2009.



MARCIA A. CRONE